

## **REMARKS**

The present Amendment is in response to the Office Action mailed June 9, 2008. Claims 1, 12, and 16 are amended and claims 21-24 are added. Claims 1-24 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. INTERVIEW SUMMARY**

On August 6, 2008, Applicant's attorney conducted a telephone interview with the Examiner. The Examiner indicated that the claims as amended would distinguish over *Abundis* and *Sturt*, however further search would be required before the claims could be allowed.

### **II. PRIOR ART REJECTIONS**

#### **A. Rejection Under 35 U.S.C. §102(e)**

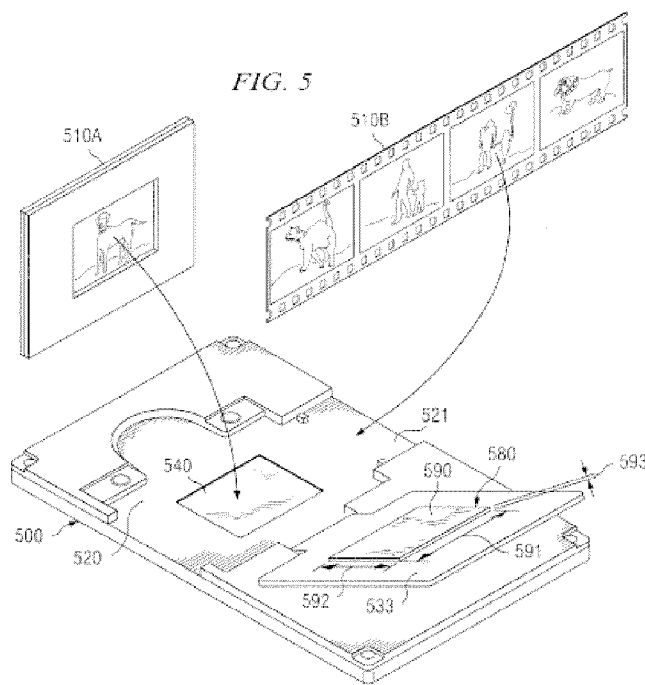
The Examiner rejects claims 1-9, 12-13, 15-17 and 19-20 under 35 U.S.C. § 102(e)<sup>1</sup> in view of U.S. Patent Application No. 2005/0046911 to Abundis et al. ("*Abundis*").

Applicant respectfully asserts that *Abundis* fails to disclose each and every element of amended independent claims 1, 12, and 16 and therefore does not anticipate under 35 U.S.C. § 102(e).

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<sup>1</sup> Because *Abundis* is only citable under 35 U.S.C. § 102(e), Applicant does not admit that *Abundis* is in fact prior art to the claimed invention but reserves the right to swear behind *Abundis* if necessary to remove it as a reference.

*Abundis* discloses an apparatus for supporting slides and film on a scanner. See Figure 5 (below). In the embodiment of Figure 5, an apparatus includes a cavity (520, 521) for receiving slides and film. Paragraph 19. A lid 533 having a focal point shifter 580 is pivoted over the cavity during scanning in order to press the focal point shifter (580) against the slide or film. Paragraph 19. It is readily apparent that the lid (533) of *Abundis* protrudes entirely from the upper surface of the apparatus when not positioned within the cavity (520, 521). (See Figure 5, below)



In contrast, amended claim 1 recites, in combination with other elements, “a base plate for supporting said first or second object, having an upper surface and a first recessed surface and a second recessed surface both disposed below the upper surface, the first recessed surface defining a scanning window; and a cover plate coupled to said base plate and movable between a working position over said scanning window and said first recessed surface for pressing said first object in position when said first object is to be scanned and a resting position wherein the cover plate is not positioned over the scanning window and is positioned over said second recessed surface when said second object is to be scanned, wherein the cover plate does not protrude above the upper surface of the base plate in the working position and resting position.”

As noted above, the lid (533) of *Abundis* is positionable only within the cavity (520, 521). There is no “second recessed surface,” as recited in claim 5, such that when the lid (533) is not within the cavity (520, 521) it can be positioned in a “resting position” in which it “does not protrude above the upper surface of [a] base plate,” as recited in claim 5. Instead, the lid (533) protrudes extensively when pivoted out of the cavity (520, 521).

With respect to claim 12, *Abundis* fails to teach or suggest, in combination with the other elements of the claim, “a base plate for supporting said first or second object, having an upper surface and a first recessed surface and a second recessed surface both disposed below the upper surface, the first recessed surface defining a scanning; and a cover plate for pressing said first object on said first recessed surface when said first object is scanned such that an upward facing surface of the cover plate does not protrude above the upper surface of the base plate, the cover plate selectively positionable over the second recessed surface when said second object is positioned over the first recessed surface such that the cover plate does not protrude above the upper surface of the base plate.” As noted above, *Abundis* discloses a cavity (520, 521) for receiving a lid (533), which protrudes out of the apparatus when not positioned in the cavity.

With respect to claim 16, *Abundis* fails to teach or suggest, in combination with the other elements of the claim, “a movable plate moving to a first position when said first object is scanned and moving to a second position when said second object is scanned, wherein said movable plate in each of said first and second positions is coupled to said base plate and does not protrude above an upper surface of the base plate.” As noted above, *Abundis* discloses a cavity (520, 521) for receiving a lid (533), which protrudes out of the apparatus when not positioned in the cavity.

**B. Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 10-11, 14 and 18 under 35 U.S.C. § 103 over *Abundis* in view of U.S. Patent No. 6,942,267 to Sturt (“*Sturt*”).

*Sturt* has been cited as showing a cover plate that is slidable on tracks and pivotally attached to a base. However, *Sturt* fails to remedy the above noted deficiencies of *Abundis* with respect to claims 1, 12, and 16, upon which claims 10-11, 14, and 18 depend, respectively. *Abundis* and *Sturt*, whether alone or in combination, therefore fail to render obvious claims 10-11, 14, and 18.

**CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17.

Dated this 8<sup>th</sup> day of September, 2008.

Respectfully submitted,

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